

24083
xxx5725

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE DISTRICT OF PUERTO RICO

IN THE MATTER OF:

Carlos R. Negron Padilla

Debtor

Banco Popular de Puerto Rico,
Movant,

Carlos R. Negron Padilla

Debtor-Respondent,

Alejandro Oliveras Rivera,
Trustee

CASE NO: 10-02033 BKT

CHAPTER: 13

MOTION REQUESTING ENTRY OF ORDER LIFTING THE AUTOMATIC STAY
PURSUANT TO THE AGREEMENT BETWEEN THE PARTIES

TO THE HONORABLE COURT:

COMES now movant, **Banco Popular de Puerto Rico**, hereinafter referred to as "BPPR", by the undersigned attorney, and very respectfully alleges and prays:

1. On **September 22, 2010**, BPPR filed a motion for relief from stay on the grounds that the debtor had accumulated post petition arrears with BPPR and as such had failed to comply with the provisions of the plan which require the debtor to make regular monthly post petition payments directly to the movant. **Refer to Docket Entry #46.**
2. On **December 14, 2010**, the parties filed a "Joint Motion for Entry of Order by Consent". **Refer to Docket Entry # 64.**

3. The parties agreed: "that should they fail to make two (2) or more of the post-petition monthly installments due to BPPR, by the 16th of the month in which the payment is due, beginning with the installment due January 1, 2011, the automatic stay will be deemed lifted in favor of BPPR in relation to the above described property with the mere filing of an informative motion to that effect, without further notice or/and without the need to celebrate a hearing, that is the stay will be lifted automatically".
4. As of today, the debtor had two months in arrears with BPPR and late charge, for the total amount of \$1,836.88.
5. In view of the fact that the debtor defaulted on the terms of the agreement the automatic stay is deemed lifted in favor of BPPR and BPPR hereby requests an order to that effect.

WHEREFORE BPPR respectfully requests from this Honorable Court to grant this motion and enter an order lifting the automatic stay.

RESPECTFULLY SUBMITTED

I HEREBY CERTIFY that this 24 day of February 2011, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following: the Trustee Alejandro Oliveras Rivera and to the debtor's attorney, Juan O. Calderon Lithgow and I hereby certify that I have mailed by United States Postal Service a copy of this motion to the following non CM/ECF participants: NONE.

Martínez & Torres Law Offices
P.O. Box 192938 San Juan, PR 00919-2938
Tel. (787) 767-8244 & Fax (787) 767-1183

s/ Tania M. Vázquez Maldonado
By: Tania M. Vázquez Maldonado
USDC -PR 227810
tvazquez@martineztorreslaw.com

TMV

Vanessa M Torres Quiñones
USDC -PR 217401
vtorres@martineztorreslaw.com

STATEMENT OF ACCOUNT

DEBTOR:	Carlos Negrón Padilla	BPPR NUM:	071010018305725
BANKRUPTCY NUM:	10-02033BKT	FILING DATE:	03/16/10

SECURED LIEN ON REAL PROPERTY

Principal Balance as of		02/01/09				128,285.86
Accrued Interest from		01/01/09		to 02/28/11		17,997.44
Interest: 6.500%		Accrued num. of days: 777		Per Diem: 23.162725		
Monthly payment to escrow						
Hazard \$0.00		Taxes \$0.00		MIP \$0.00		
A&H \$0.00		Life \$0.00				
Total montly escrow		\$0.00		Months in arrears 25		Escrow in arrears 0.00
						Accrued Late Charge: 1,230.76
Advances Under Loan Contract:						
Title Search \$45.00		Tax Certificate \$0.00		Inspection \$0.00		1,640.00
Other \$1,595.00						
Legal Fees:						700.00
Total amount owed as of		02/28/11				149,854.06

AMOUNT IN ARREARS

PRE-PETITION AMOUNT:						
23	payments of	\$876.00	each one		20,148.00	
accumulated lated charges					1,145.88	
Advances Under Loan Contract:					1,640.00	
Title Search	\$45.00	Tax Certificate	\$0.00	Inspection		\$0.00
Other	\$1,595.00					
Legal Fees					700.00	
A = TOTAL PRE-PETITION AMOUNT					23,633.88	
POST-PETITION AMOUNT:						
2	payments of	\$876.00	each one		1,752.00	
Late Charge					84.88	
B = TOTAL POST-PETITION AMOUNT					1,836.88	
A + B = TOTAL AMOUNT IN ARREARS					25,470.76	

OTHER INFORMATION

Next pymt due	02/01/09	Interest rate	6.500%	P & I	\$848.87	Monthly late charge	\$42.44
Investor	Banco Popular de Puerto Rico	Property address	KM 1 Hm 2 carr 169 Int Bo Pueblo Corozal PR 00783				

The subscribing representative of Banco Popular de Puerto Rico declares under penalty of perjury that according to the information gathered by Banco Popular de Puerto Rico the foregoing is true and correct.

BANCO POPULAR DE PUERTO RICO

02/15/11

DATE

SACCTEHA Josuam Figueroa